

REMARKS

Claims 7 and 9 have been canceled. Claims 1, 8 and 14 herewith are amended. Applicants thank the Examiner for the indication of allowable subject matter in dependent claim 14. New claim 15 has been added. Claims 1-6 and 8, and 10-15 are, therefore, presently pending in the application.

The Examiner's comments together with the cited references have been carefully studied. Favorable reconsideration in view of the foregoing amendments and following remarks is respectfully requested.

Applicants herewith file a terminal disclaimer in compliance with 37 CFR 1.321(c) to overcome an actual double patenting rejection based on a nonstatutory double patenting ground. The previously submitted terminal disclaimer inadvertently disclaimed (the serial number of) the instant application instead of U.S. Serial Number 10/008,777, which has now issued to U.S. Patent No. 6,659,604. The terminal disclaimer enclosed herewith corrects the typographical error.

Claims 1-6 and 8-13 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Satoshi et al. in view of Light. The Examiner states, "With respect to claim 9, the process by which the porous polymeric particles are made is not dispositive of the issue of the patentability of the instant article claims." The Examiner states, with respect to claims 12 and 13, "One of ordinary skill in the art would have been motivated to adjust the amount of the binder and the amount of the porous polymeric particles in order to optimize the film forming and ink-absorbing properties of the layer." The Examiner additionally concludes, "...it would have been obvious to a person of ordinary skill in the art to combine the polyvinyl alcohol of Light with the invention of Satoshi so as to obtain excellent ink receptivity and drying time."

The rejection is respectfully traversed. Claim 9 has been canceled. Claim 1 has been amended to recite that the poly(vinyl alcohol) has a degree of hydrolysis of at least 98% and a number average molecular weight of 65,000 to 105,000. Support for this amendment is to be found in original dependent claim 14 (105,000) and in Table 2 on page 10 of the present

application (65,000). Support for the "opaque" support is to be found on page 4, line 2 of the specification. New independent claim 15 combines the subject matter of claim 1 and dependent claim 14, containing allowable subject matter.

Applicants respectfully submit that Light does not teach the poly(vinyl alcohol) of the present invention. In column 6, it is stated that a number average molecular weight of approximately 40,000 is particularly useful. Light states that a poly(vinyl alcohol) that is fully hydrolyzed should have a number average molecular weight below 60,000. Light further states that a poly(vinyl alcohol) less than fully hydrolyzed "can be" of higher molecular weight. However, Light also states:

The reason for the broad limitations on the nature of the polyvinyl alcohol lies in the nature of the film which they may produce. The films rapidly lose transparency as the number average molecular weight increases above the 60,000 range for a fully hydrolyzed polyvinyl alcohol.

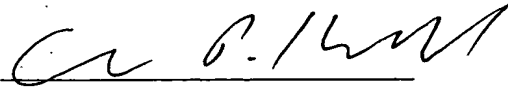
Thus, Light is describing and claiming only "transparent image-recording elements." In contrast, the present invention, as is the primary reference to Satoshi et al., is solving a different problem.

In view thereof, it follows that the subject matter of the claims would not have been obvious of Satoshi et al. in view of Light at the time the invention was made.

Applicants have reviewed the prior art made of record and believe that singly or in any suitable combination, they do not render Applicants' claimed invention unpatentable.

It is believed that the foregoing is a complete response to the Office Action and that the claims are in condition for allowance. Favorable reconsideration and early passage to issue is therefore earnestly solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "C. P. Konkol", written over a horizontal line.

Chris P. Konkol
Attorney for Applicant(s)
Registration No. 34,117

CPK:clb
Rochester, NY 14650
Telephone: (585) 722-0452
Facsimile: (585) 477-1148